

Attorney Docket No. T9376.DIV2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: PETER PAL VARGA et al.)
TITLE: METHOD OF IMPLANTING)
AN INTERVERTEBRAL)
SPACER)
SERIAL NO.: 10/055,783) RESPONSE C WITH AMENDMENT
FILED: January 22, 2002)
EXAMINER D. Willse)
ART UNIT: 3738)

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Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Responsive to the Office Action mailed May 12, 2004,
applicants request entry of this Response C With Amendment and
reconsideration of the above-captioned application. This response
addresses every ground of rejection set forth in the Office Action.

08/17/2004 RNEBRAHT 00000019 10055783

01 FC:2201

43.00 OP

Certificate of Deposit Under 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the 12 day of August, 2004.


Karl R. Cannon
Attorney Registration No. 36,468
Attorney for Applicant

A shortened statutory period for response of three (3) months was set for response to the Office Action. Accordingly, this response is timely filed.

Claims 47, 57, and 64 have been rewritten into independent form. Independent claims 41 and 68, and dependent claims 53, 58, 61, and 69 have been canceled. Accordingly, the total number of independent claims under examination is one (1) more than previously presented, for a total of seven (7) (comprising claims 32, 42, 47, 57, 37, 39, and 64), and the total number of claims under examination is fewer than the number previously presented. Accordingly, enclosed is a captioned paper entitled "FEE TO COVER ADDITIONAL CLAIMS ADDED BY AMENDMENT", and check no. 7853, appropriate in amount to cover the corresponding fee for the additional independent claim.



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APPLICANT: PETER PAL VARGA et al.)
TITLE: METHOD OF IMPLANTING)
AN INTERVERTEBRAL)
SPACER)
SERIAL NO.: 10/055,783) FEE LETTER TO COVER
FILED: January 22, 2002) ADDITIONAL CLAIMS BY
EXAMINER D. Willse) AMENDMENT
ART UNIT: 3738)

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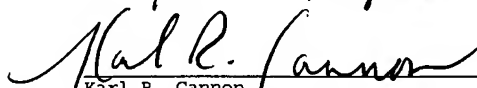
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith is the fee of \$43.00 included in check number 7853 to secure consideration of one independent claim, which is added by the Response C With Amendment enclosed herewith.

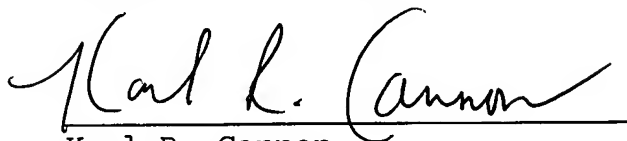
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Karl R. Cannon
Attorney Registration No. 36,468
Attorney for Applicant

DATED this 12 day of August, 2004.

Respectfully submitted,

A handwritten signature in dark ink, reading "Karl R. Cannon", written over a horizontal line.

Karl R. Cannon
Attorney Registration No. 36,468
Attorney for Applicant

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